

Variance

Application Packet

1. **Application Packet** The “Application Packet” for a *Variance* includes the following:
 - Application Form
 - Supporting Information
 - Site Plan Checklist
 - Adjoining Property Owner Support Statement (Completion of this form is optional)

Be sure to complete and submit all the required materials that are part of this Application Packet. Failure to do so will result in a delay in accepting your application until it is complete.

2. **Zoning Board of Adjustment Meetings** Within three days after the application is received, staff will determine if the application is complete and notify the applicant. Once staff has determined it is complete, staff will contact the applicant to discuss the application, including possible timelines for Board consideration. The *Zoning Board of Adjustment* conducts a public hearing, considers the recommendation of the Planning and Housing staff and makes the final decision, based on the standards in the Ordinance. **The Board meets on the second Wednesday of the month at 6:00 p.m. in the City Council Chambers.** Additional meetings may be held on the fourth Wednesday of the month, April through October. The *Board* must approve, deny, or modify the Special Use Permit application within 60 days of the public hearing.
3. **Submittal and Filing Fee** The complete application and filing fee must be submitted to:

Department of Planning and Housing
City of Ames
515 Clark Avenue, Room 214
Ames, Iowa 50010
E-mail: planning@cityofames.org

The filing fee of \$150.00 is required at the time the application is submitted.

4. **Site Plan and Architectural Elevations** The applicant shall submit a Site Plan, drawn to scale, that clearly shows the variance being sought. The Site Plan shall be a reproducible, black line drawing on a sheet of paper no larger than 11” x 17”. If a *Major or Minor Site Development Plan* was submitted as part of the development approval process for the subject property, then that *Major or Minor Site Development Plan* should be submitted with the *Variance* application.

If the project for which the Variance is sought is a single-family dwelling, a two-family dwelling, or other use exempt from the requirement for a Site Development Plan, then the Site Plan shall include at a minimum the following information:

- Dimensioned property lines
- Abutting streets and alleys
- Location and size of all existing and proposed buildings and structures (Include distances to all property lines and distances between buildings and structures)

- Required setbacks
- Driveways and parking areas, fully dimensioned
- Other pertinent information necessary to fully understand the need for a Variance (e.g., significant change in topography, location and size of mature trees, etc.)

Architectural elevations also should be submitted, where appropriate, to assist the Board in making its decision. These architectural elevations should be black line drawings, drawn to scale on a sheet of paper no larger than 11"x17".

5. **Photos and Exhibits** Materials submitted with the application or presented as evidence during the public hearing ***will not be returned*** and must be kept as part of the public record.
6. **Notification** The City will mail a notice to all property owners within 200 feet of the property that an appeal for a Variance has been filed. This notification is done so that concerned individuals will have an opportunity to learn about what is being proposed and can present information on this matter to the Zoning Board of Adjustment.

**IF YOU HAVE QUESTIONS ABOUT COMPLETING THIS APPLICATION
PLEASE CONTACT THE DEPARTMENT OF PLANNING AND HOUSING.**

Phone: 515-239-5400
E-mail: planning@cityofames.org

Variance

Application Form

(This form must be completely filled out before the application will be accepted)

1. **Property Address** for this Variance Application: _____

2. **Legal Description** (attach if lengthy): _____

3. I (We) the undersigned, do hereby respectfully appeal to the Ames Zoning Board of Adjustment to grant a *Variance* to the Zoning Ordinance to allow the issuance of a Zoning Permit to permit:

4. The **Zoning Permit was refused** because: _____

5. **Property Owner:** _____
Business: _____
Address: _____
 (Street) (City) (State) (Zip)
Phone Number: _____ E-mail: _____

6. **Applicant:** _____
Business: _____
Address: _____
 (Street) (City) (State) (Zip)
Phone Number: _____ E-mail: _____

7. **Contact Person:** _____
Business: _____
Address: _____
 (Street) (City) (State) (Zip)
Phone Number: _____ E-mail: _____

The Zoning Board of Adjustment may grant a Variance, provided the Board members can make a finding that the Variance will not result in unnecessary hardship, will not be contrary to the public interest, will observe the Spirit of the Ordinance, and shall result in substantial justice.

This appeal will not be granted unless sufficient facts are presented in this application to justify the variance in light of the standards and to show that the granting of the variance relates to the intent and purposes of the Zoning Ordinance and the Comprehensive Plan.

Approval of the Variance by the Zoning Board of Adjustment in no way absolves the applicant from subsequently obtaining the necessary building permits or other permits from the City of Ames or from other applicable agencies.

I (We) certify that I (we) have been denied a Building/Zoning Permit, that I (we) have submitted all the required information to appeal for a Variance, and that said information is factual.

Signed by: _____ **Date:** _____
Property Owner(s)

Printed Name

Note: No other signature may be substituted for the Property Owner's Signature.

Variance

Supporting Information

(This form must be filled out completely before your application will be accepted)

The Zoning Board of Adjustment can grant a Variance only if all of the following standards are satisfied. In order to facilitate review of this application for a Variance, the applicant must address each of the **Variance Standards** set forth in Section 29.1504(4) of the Zoning Ordinance, which are listed below.

(Note: The applicant's explanation of how the request meets each standard may be attached on a separate sheet if sufficient space is not provided.)

1. Variance Standards The Zoning Board of Adjustment shall review each application for the purpose of determining that the Variance Standards are satisfied. Pursuant to Iowa law, a variance shall be granted **only if all of the following standards are satisfied:**

(a) The granting of the variance shall not be contrary to the public interest.

Please present information to indicate that the Variance will not result in injury or endangerment to other property or persons, nor will it devalue nearby property.

Explain how the request meets this standard:

(b) That without granting of the variance, and due to special conditions, a literal enforcement of the ordinance will result in unnecessary hardship. Unnecessary hardship exists when:

- (i) The land in question cannot yield a reasonable return if used only for a purpose allowed in the zone;**

To meet this standard, please show that all beneficial use and/or enjoyment of the property will be lost if the Variance is not granted. Supporting evidence from a professional appraiser, realtor, or other professional, may be necessary to support your appeal. The Zoning Board of Adjustment may require documentation of loss of value in order to grant this variance.

Explain how the request meets this standard:

- (ii) The plight of the owners is due to unique circumstances and not to the general conditions of the neighborhood;**

Please show that the physical circumstances on the subject property are unique and unlike other properties in the vicinity.

Explain how the request meets this standard:

(iii) The use to be authorized by the variance will not alter the essential character of the locality.

Please show that the proposed use is compatible with the character of the surrounding area.

Explain how the request meets this standard:

(c) The spirit of the ordinance shall be observed even when the variance is granted.

Please show that the Variance is consistent with the intent of the Sign Ordinance, Zoning Ordinance, and the Comprehensive Plan. A Variance would not be consistent with the intent if alternatives for development exist that do not require a Variance.

Explain how the request meets this standard:

(d) Substantial justice shall be done as a result of granting the variance.

Explain how the request meets this standard:

Variance

Site Plan Checklist

(For Properties Occupied by a Single-Family or Two-Family Dwelling)

(This form must be filled out completely before your application will be accepted)

The applicant shall submit a Site Plan, drawn to scale, that clearly shows the Variance being sought. The Site Plan shall be a reproducible, black line drawing on a sheet of paper no larger than 11"x17". If the project for which the Variance is sought is a single-family or two-family dwelling, or other use exempt from the requirement for a Site Development Plan, then the Site Plan shall include, at a minimum, the following information:

(NOTE: If the proposed project requires approval of a *Major or Minor Site Development Plan*, it should be included with this application for a Variance, not the *Site Plan* described on this checklist.)

- Dimensioned property lines
- Abutting streets and alleys
- Location and size of all existing and proposed buildings and structures (include distances to all property lines and distances between buildings and structures.)
- Required setbacks
- Driveways and parking areas, fully dimensioned
- Other pertinent information necessary to fully understand the need for a Variance (e.g., significant change in topography, location and size of mature trees, etc.)

Adjoining Property Owner Statement

(Completion of this form by the applicant is optional)

To Whom It May Concern:

We, the undersigned, own property adjoining _____ Ames, Iowa.

It is our understanding that _____ has filed an
appeal with the Zoning Board of Adjustment to allow _____

As adjoining property owners, we would have no objections to the issuance of this building permit for the purposes stated above.

NAME	ADDRESS	DATE